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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

12 Respondent,

13 v.

14 REGINALD LAMONT THOMAS,

15 Movant.
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Case No. 2:20-cr-00012-KJM-JDP

ORDER

19 Reginald Lamont Thomas (“movant”) has filed a motion to vacate, set aside, or correct
20 sentence pursuant to section 2255. ECF No. 150. I will direct the government to respond to the
21 motion. Movant has also filed an application to proceed *in forma pauperis*, ECF No. 151, and
22 three motions for appointment of counsel, ECF Nos. 158, 159, & 160. All of these motions will
23 be denied.

24 Movant’s application to proceed *in forma pauperis*, ECF No. 151, is denied as
25 unnecessary. *See United States v. Ventura*, No. CR S-05-382 GEB DAD P, 2010 U.S. Dist.
26 LEXIS 111011, *10 (E.D. Cal. Oct. 18, 2010) (“Unlike a petition for a writ of habeas corpus, a
27 motion under § 2255 is filed as part of the underlying criminal prosecution. As a result, a § 2255
28 motion requires no prepaid fees or security in order to proceed.”) (internal citation omitted).

1 Movant's motions for appointment of counsel are also denied. Appointment of counsel in
2 section 2255 proceedings is governed by 18 U.S.C. § 3006A. That section provides that
3 "[w]henver the United States magistrate judge or the court determines that the interests of justice
4 so require, representation may be provided for any financially eligible person who ... is seeking
5 relief under section 2241, 2254, or 2255 of title 28." 18 U.S.C. § 3006A(a)(2)(B). Generally,
6 counsel should be appointed "when the complexities of the case are such that denial of counsel
7 would amount to a denial of due process." *Brown v. United States*, 623 F.2d 54, 61 (9th Cir.
8 1980). I find that appointment of counsel is unwarranted here. The issues raised by movant's
9 section 2255 motion do not appear so complex that he cannot navigate them without appointment
10 of counsel. And, while one of his motions for counsel indicates that he has health issues, he has
11 not specified what they are or how they are hampering his ability to represent himself. ECF No.
12 160. Accordingly, I will deny the motions without prejudice. I may revisit the issue if new
13 circumstances arise as the case proceeds.

14 Accordingly, it is hereby ORDERED that:

15 1. Movant's motion to proceed *in forma pauperis*, ECF No. 151, is DENIED as
16 unnecessary, and his motions for appointment of counsel, ECF Nos. 158, 159, & 160 are
17 DENIED without prejudice.

18 2. Within thirty days of this order's entry, the government shall file a response to the
19 section 2255 motion. Movant shall file his reply, if any, to the government's response within
20 twenty-one days of the filing of the response. If the government's response is a motion to
21 dismiss, the deadlines shall be governed by the district's local rules for motion practice.

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23 IT IS SO ORDERED.

24 Dated: October 6, 2023

25 
26 JEREMY D. PETERSON
27 UNITED STATES MAGISTRATE JUDGE
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